

REMARKS

Reconsideration of the above-identified patent application is respectfully requested.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,109,986 to Gaynor et al. (Gaynor). Additionally, claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,173,696 B1 to Fett et al. (Fett). Claims 1, 3, 13, and 16 have been amended.

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Gaynor. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference, and the identical invention must be shown in as complete detail as is contained in the claim (MPEP, § 2131). Contrary to Examiner's assertion, Gaynor does not show or disclose all the elements of claim 1. For example, Gaynor does not show or otherwise disclose "a control circuit . . . modifying said idle speed reference as a function of said engine speed" as suggested by the Examiner. On the contrary, Gaynor discloses a system which modifies a measured RPM value as a function of a reference RPM value:

The actual RPM and target RPM are then compared to determine an error magnitude at functional block **330** and this error magnitude is provided to a PID control algorithm at functional block **340**. As in the software described in conjunction with FIG. 7A, the appropriate pulse width (PW) **80** is determined and that pulse width (PW) is used to control the fuel per cycle on the subsequent cycle of the fuel injection system. (col. 9, lines 12-19; see also Fig 7B)

Modifying a measured RPM value as a function of a reference RPM value is not equivalent to modifying an idle speed reference as a function of a measured engine


speed. For at least this reason, Gaynor does not disclose all the elements of claim 1 as required by 35 U.S.C. § 102(b). Accordingly, claim 1 is not anticipated by Gaynor.

The Examiner rejected claim 8 under 35 U.S.C. § 102(b) as being anticipated by Fett. However, Fett does not disclose all the elements of claim 8 as required by 35 U.S.C. § 102(b). For example, Fett does not show or disclose “determining an engine acceleration rate as a function of said rotational engine speed of said engine”, nor does Fett show or disclose “controlling a minimum rotational speed of said engine as a function of said rotational engine speed of said engine and said engine acceleration rate” as suggested by the Examiner. Fett discloses calculating a Δ RPM value determined by “the difference between the selected reference RPM value and the RPM value from sensor 56.” (see col. 3, lines 39-41). “ Δ RPM”, as defined in Fett, is not an acceleration rate but is an error value defined as the difference between a reference RPM value and a measured RPM value. An error value is not equivalent to an acceleration rate. Therefore, Fett does not disclose all the elements of claim 8. Accordingly, claim 8 is not anticipated by Fett and is believed to be in condition for allowance.

Claims 1, 13, and 16 have been amended to recite systems and methods operable to modify an idle speed reference as a function of engine speed and of a threshold engine speed value, wherein the threshold engine speed value is greater than the idle speed reference. Fett does not disclose such systems or methods. Accordingly claims 1, 13, and 16, and their relative dependent claims, are believed to be in condition for allowance.

Claims 1, 3, 13, and 16 have been amended. Claims 1-20 are believed to now be in condition for allowance, and such action is solicited. The Examiner is cordially invited to contact the undersigned by telephone to discuss any unresolved matters.

Respectfully submitted,



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